



# WISCONSIN REGULATORY DIGEST

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**A Publication of the**  
**DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE DETECTIVES**  
**Volume 10, No. 2      AND PRIVATE DETECTIVE AGENCIES      NOVEMBER, 1998**

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## **Statistics**

As of October 29, 1998, there are 868 private detective and 852 private detective agency licenses in active status. Five hundred and four private detectives and 278 private detective agencies did not renew their license which expired on August 31, 1998.

## **Renewal Of Licenses**

Every private detective private detective agency license which was issued before August 31, 1998, and which had an expiration date of August 31, 1998, printed on it, expired on August 31, 1998, unless the licensee renewed the license.

There are a number of issues which can result in confusion for private detectives and the private detective agency which employs them. This article

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## **PRIVATE DETECTIVE ADVISORY COMMITTEE**

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### **Members of the Committee:**

Johnny W. Cash (Sun Prairie)  
David S. Cihlar (Oshkosh)  
James E. Gilboy, Jr. (Hales Corners)  
Robert F. Hoeg (Madison)  
Paul C. Klumb (Chenequa)  
James M. Krause (Menomonee Falls)  
Karen Morales (Milwaukee)  
Edward J. O'Brien (Holmen)  
Gary Peterson (Eau Claire)  
John R. Schatzman (Milwaukee)  
Steve Watson (Madison)

### **Administrative Staff:**

Cletus J. Hansen, Division Administrator

### **Executive Staff:**

Marlene A. Cummings, Secretary  
Patricia McCormack, Deputy Secretary  
Myra Shelton, Executive Assistant

will attempt to explain these issues without, hopefully, causing even more confusion. Please note the following issues:

1. All credentials (licenses, permits, etc.) issued by the Department of Regulation and Licensing and the examining boards must be renewed every 2 years.
2. All original credentials are issued for the remainder of the 2-year licensing period, except that original permits issued during the last 2 months of a licensing period are given an expiration date which is the ending date of the next full 2-year period. For example, a private detective license issued during July and August, 1998, was given an expiration date of August 31, 2000. All other permits issued before July 1, 1998, were set to expire on August 31, 1998.
3. Some credential holders do not renew their credential, because they are no longer engaging in work which requires such a credential. In such cases the department puts a notation in the computer record, indicating that the credential has expired.

4. A person whose license has expired may renew the license some time in the future by filing a renewal application, the renewal fee and a late filing fee.

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5. Any person who **files an application for renewal after the date of expiration** may not legally

practice as a private detective or private detective agency until the person has actually received a new license.

6. If a licensee **files a timely and complete application for renewal** and pays the renewal fee before the expiration date, the person may continue to practice, even though he or she has not yet received a renewal license. Sometimes there are reasons why the department may have to deny the renewal. In such cases, while the department is processing the renewal, the person may continue to practice until the person has received a formal notice of denial and has had an opportunity to request a hearing on the issues relating to the denial.

7. A private detective person may not renew his or her permit, unless the private security person is employed by a private detective agency. This poses a "Catch 22" for some people who are between jobs and who would like to renew, so that they will have a license when they seek employment with another agency. This also forces them to pay a late filing fee when they renew after the renewal deadline. The department would like to have the statute changed.

8. Regardless of anything stated above, a private detective agency which does have a current bond or liability policy may not engage in the practice of a private detective agency.

### **Important Obligations**

There are 3 things which are extremely critical toward making the regulation of private security persons run smoothly and to make sure that you receive copies of the Regulatory Digest, renewal notices and other information. They are:

- You must inform the department of any change in the address which you have on file with the department. Failure to inform the department of an address change, can result in a \$50 forfeiture. This has been a problem.
- Employers must make sure that all of their currently-employed private detectives or private security personnel have either received a renewed credential or that they have at least filed a renewal application before September 1, 1998. Most people who applied for renewal should have a new credential by now. There may, however, be a very small number whose eligibility for renewal is still being reviewed, due to the fact that they are in arrears in paying taxes to the Wisconsin Department of Revenue, because there is evidence that they may have been convicted of a crime during the past year or two, or there is evidence that they may have lied on their original or renewal application.

### **False Information on Applications**

We gave the following notice in the last issue of the Regulatory Digest and we will probably repeat it in future issues. If an applicant lies on an application about convictions of crime, the application will be denied just for the fact that the applicant lied. It is best to provide complete information on the application. Not all convictions will result in denial of an application. Felony convictions will result in a denial; however, misdemeanors and ordinance violations are reviewed to determine the nature of the conviction, the number of convictions, the number of years that have gone by since the conviction, evidence of rehabilitation and other similar factors.

An applicant should carefully read the questions on the application form. Don't assume that the department is only asking about felony convictions. Don't follow the advice of a friend who says you only have to list convictions that occurred within the last 5 years. That is not true.

### **Advisory Committee**

The Private Detective Advisory Committee has been appointed. The names of committee members are listed on page 1. The committee members have been very anxious to "get going." It is anticipated that the first meeting will be held in December. It is also anticipated that the committee will want to discuss license fees, competency issues, the licensing examination, licensing procedures, liability insurance and other issues which were discussed by earlier committees.

### **Complaint Screeners**

All complaints against private detectives and private detective agencies are screened by a Screening Panel, consisting of two private detectives, the supervisor of the prosecutors, the supervisor of the investigators, the Deputy Secretary of the Department and the Division Administrator. Currently, James Glibly (Hales Corners) and John Statesman (Milwaukee) are the two private detective screeners. Others who served in that capacity in the past were Dan Miller and Holly Goessl.

The Screening Panel reviews complaints to determine whether an investigation should be commenced or not. Sometimes more information is requested before making a decision. It is often possible to determine at the hearing stage that an investigation should not be commenced, because the action complained about may not be a violation, because there may be a better way of obtaining compliance with the law, or because the complaint may not result in disciplinary action, even if the facts are proven.

The Department also uses the services of private detectives to advise the investigators and prosecutors

after a case has been opened. Mr. Gilboy and Mr. Schatzman act as advisors. Other advisors are Eugene Winger (Milwaukee) and Holly Goessl (Woodruff). Complaint screeners and advisors have no authority to discuss an open investigation with you, nor should you contact them about any complaint or investigation until the matter has been closed or disciplinary action taken.

### **Legislative Changes**

1997 Wis. Act 139: Under the new law, effective May 5, 1998, an examining board, the Department, and other regulatory authorities are authorized to issue administrative warnings. An administrative warning puts the professional on notice that if the misconduct is repeated, the incident that was the basis for the warning can be used to prove that the person knew the conduct was prohibited. A warning is not discipline and may be issued without a formal complaint or a hearing. The contents of the warning shall be private and confidential. A credential holder may have a warning reviewed before the department or board that issued the warning. The act requires the department to promulgate rules establishing uniform procedures for administrative warnings.

1997 Wis. Act 191: In April 1998, legislation was enacted which provides for suspension of credentials for failure to pay family support or for failure to comply with a subpoena or warrant related to paternity or support proceedings. The determination of failure to pay family support or failure to comply with a warrant or subpoena will be made by county support agencies or the Department of Workforce Development.

The Department of Workforce Development, after proper notice and provision for hearing, will certify to the Department of Regulation and Licensing that a professional who holds a credential issued by the department, or who is applying for a credential is delinquent in support or has failed to comply with a subpoena or warrant. The department then shall restrict, limit or suspend a credential or deny an application for an initial credential or for renewal of a credential. The credential will remain restricted, limited or suspended until the department receives notification of release from the Department of Workforce Development. However, for the purpose of checking for tax delinquencies.

1997 Wis. Act 237: Since 1996, the law has required the department to verify that applicants for credential renewal are not delinquent in payment of Wisconsin state taxes. The department is required to deny renewal if the Department of Revenue certifies that an applicant is tax delinquent.

Effective January 1, 1999, the scope of the law will expand to apply to other state agencies, including the Department of Transportation and the Department of

Natural Resources. The law will also change to include applicants for new licenses and current credential holders. After January 1, 1999, the Department of Regulation and Licensing is required to deny the applications for an initial credential if the applicant is certified by the Department of Revenue as being liable for delinquent state taxes. The Department of Regulation and Licensing will also be required to revoke the credential of current credential holders who are tax delinquent.

A person denied or revoked because of a tax delinquency status may request the Department of Revenue to review the certificate of tax delinquency at a hearing.

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### **Disciplinary Actions**

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Department of Regulation and Licensing  
Private Detective Section  
P.O. Box 8935  
Madison, WI 53708-8935

RETURN SERVICE REQUESTED

# REGULATORY DIGEST

Bulk Rate  
U.S. Postage  
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## Telephones

The Division of Business Licensure & Regulation has installed a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

**(608) 266-5511**

After dialing this number you are asked to press various menu choices. For the following requests, please press numbers as noted:

<b>Application Forms</b>	<b>Press 11</b>
<b>Complaints Against Licensees</b>	<b>Press 12</b>
<b>Whether A Person is Licensed</b>	<b>Press 21</b>
<b>Change of Address or Name</b>	<b>Press 21</b>
<b>Application Processing &amp; Requirements</b>	<b>Press 43</b>
<b>Changes of Employment</b>	<b>Press 22</b>

## Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>  
Send comments to [dorl@mail.state.wi.us](mailto:dorl@mail.state.wi.us)

## Copies of Regulatory Digest on the Web

See the Web site listed above.

## Wisconsin Statutes and Code

Copies of the Private Detective and Private Security Personnel Statutes and Administrative Code can be ordered through the Bureau Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April, 1998.

## Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided, but may be verified by calling the Bureau office one week after mailing the changes.

**WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

## Subscription Service

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Others may send the fee and this form to the address listed above.

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